

APR 22 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 15, 2002

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#2  
LDT  
5-7-02

PATENT  
Attorney Docket No. SUN-P5828-ARG

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

## **COMMUNICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed herewith for filing in the above-captioned patent application is an executed Power of Attorney by Assignee to Exclusion of Inventor under 37 C.F.R. §3.71 with Revocation of Prior Powers.

Also enclosed is a copy of the Assignment as received from the U.S. Patent and Trademark Office on September 30, 2001.

Respectfully submitted,

By: A. Richard Park  
A. Richard Park  
Reg. No. 41,241

Park, Vaughan & Fleming LLP  
508 Second Street, Suite 201  
Davis, CA 95616  
(530) 759-1661  
Date: April 15, 2002

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U.S. PATENT & TRADEMARK OFFICE  
APR 22 2002 "POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR UNDER  
37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS

PATENT & TRADEMARKS

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Inventor(s):

Title: Kenneth W. Shirriff  
Method and Apparatus for Automatic Configuration of A Cluster of Computers  
Filing Date: June 25, 2001  
Serial No.: 09/891,597  
Group Art Unit: *not yet assigned*  
Examiner: *not yet assigned*  
Attorney Docket No: SUN-P5828-ARG

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Kenneth Olsen, Registration No. 26,493, Timothy J. Crean, Registration No. 37,116, Joseph T. Fitzgerald, Registration No. 33,881, Alexander E. Silverman, Registration No. 37,940, Anirma R. Gupta, Registration No. 38,275, Sean P. Lewis, Registration No. 42,798, Michael J. Schallop, Registration No. 44,319, Bernice B. Chen, Registration No. 42,403, Noreen A. Krall, Registration No. 39,734, Richard J. Lutton, Registration No. 39,756, Monica D. Ward, Registration No. 40,696, Marc D. Foodman, Registration No. 34,110, Naren Chaganti, Registration No. 44,602, Elaine Lee, Registration No. 41,936, Hugh H. Matsubayashi, Registration No. 43,779, Paul Sorkin, Registration No. 39,039, Marilyn E. Glaubensklee, Registration No. 35,521, Ramin Aghevli, Registration No. 43,462, Andrew C. Chen, Registration No. 43,544, Jeffrey L. Myers, Registration No. 44,252, and Pavel Pogodin, Registration No. 48,205 all of SUN MICROSYSTEMS, INC., and A. Richard Park, Registration No. 41,241, Daniel E. Vaughan, Registration No. 42,199, Hoyt A. Fleming, Registration No. 41,752, and Edward J. Grundler, Registration No. 47,615 all of PARK, VAUGHAN & FLEMING LLP, to prosecute this application and transact all business in the United States and Patent & Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

the Assignment recorded on \_\_\_\_\_ at reel \_\_\_\_\_, frames \_\_\_\_\_ - \_\_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Please direct all telephone calls and correspondence to: A. Richard Park, Park, Vaughan & Fleming LLP, 508 Second Street, Suite 201, Davis, CA 95616, tel: 530-759-1661.

ASSIGNEE: Sun Microsystems, Inc.

Signature: \_\_\_\_\_

(Signature)

July 10, 2001

(Date)

Name: Kenneth Olsen

Title: Vice President, Intellectual Property

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 10, 2001

PTAS

PARK, VAUGHAN & FLEMING LLP  
EDWARD J. GRUNDLER  
508 2ND ST, STE 201  
DAVIS, CA 95616



\*101770543A\*

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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/25/2001

REEL/FRAME: 011942/0066  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SHIRRIFF, KENNETH W.

DOC DATE: 03/23/2001

ASSIGNEE:

SUN MICROSYSTEMS, INC.  
901 SAN ANTONIO ROAD  
PALO ALTO, CALIFORNIA 94303

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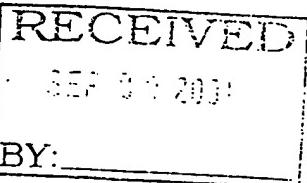
APR 25 2002

SERIAL NUMBER: 09891597

FILING DATE: 06/25/2001  
Technology Center 2100  
ISSUE DATE:

PATENT NUMBER:

DOROTHY RILEY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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07-09-2001



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Attorney Docket No. SUN-P5828-ARG

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeJC672/89197  
06/25/01

FORM PTO-1595

I-31-92

RECORDATION FORM COVER SHEET  
PATENTS ONLY

To the Assistant Commissioner for Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Kenneth W. Shiriff

16/25/01

2. Name and address of receiving party(ies):

Name: Sun Microsystems, Inc.  
Street Address: 901 San Antonio Road  
City: State: Zip: Palo Alto, CA 94303

Additional name(s) of conveying party(ies) attached? [ ] Yes [X] No

3. Nature of conveyance:

 Assignment      [ ] Merger  
 Security Agreement      [ ] Change of Name  
 Other

Additional name(s) &amp; address(es) attached?

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[ ] Yes [X] No

APR 25 2002

Execution Date:

Technology Center 2100

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: June 6, 2001

A. Patent Application No.(s): 19/891597

B. Patent No.(s):

Additional numbers attached? [ ] Yes [ ] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Edward J. Grundler  
Park, Vaughan & Fleming LLP  
508 Second Street, Suite 201  
Davis, CA 95616

Attorney Docket No.: SUN-P5828-ARG

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41) ..... \$40.00  
 Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:

## DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Edward J. Grundler  
Name of Person Signing

Signature

June 25, 2001

Date

Total number of pages including cover sheet, attachments and document: [3]

16/29/2001 #corporate power of attorney  
YPOLITEI 00000046 09891597

J3 FC:581

40.00 OP

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CORPORATE ASSIGNMENT

WHEREAS, the undersigned,

Kenneth W. Shirriff

650 Castle Hill Rd., Redwood City, CA 94061

hereinafter termed "Inventor(s)", have invented certain new and useful improvements in

*METHOD AND APPARATUS FOR AUTOMATIC CONFIGURATION OF A CLUSTER OF COMPUTERS*

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

X On the 6<sup>th</sup> day of JUNE, 2001;

Or

— Said application having Application Number    and filed on   ; and

WHEREAS, Sun Microsystems, Inc. a corporation of the State of Delaware, having a place of business at 901 San Antonio Road, Palo Alto, CA 94303, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventor(s) (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventor(s) to have been received in full from said Assignee:

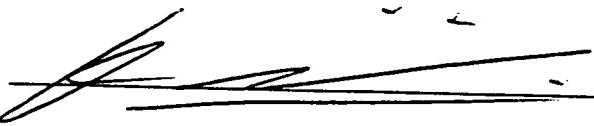
1. Said Inventor(s) do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventor(s) hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventor(s) shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventor(s) in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventor(s), their respective heirs, legal representatives and assigns.

4. Said Inventor(s) hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventor(s) have executed and delivered this instrument to said Assignee as of the dates written below.



Kenneth W. Shirriff

Date

Date

Date

Date

Date